



SUMMER INDUSTRY ROUNDTABLE MEETING  
SUMMARY OF DISCUSSION  
JUNE 12, 2023

- Proposed permanent rules PSTD submitted for legislative and gubernatorial approval earlier this year will be effective October 1, 2023. They include splitting the current AST Licensee license into a separate license for installing and removing aboveground storage tanks. A GovDelivery notice will be sent when the rules are posted on the Commission's website.
- 17 O.S. § 311 provides for fines up to \$10,000 per day for violations of PSTD rules. The recommended fine for tank removal without a licensed remover is \$5,000.
- Legislation was recently passed requiring labels on motor fuel dispensers for E15 must meet federal labeling requirements in 40 CFR Part 1090.1510 as it is written on February 1, 2023. The label will be required beginning November 1, 2023, and must be placed so it clearly identifies which control dispenses E15. A copy of the label, with specific dimensions, colors, and formatting requirements, is posted on PSTD's website. A GovDelivery notice will be sent in October 2023, to remind the regulated public of the deadline.
- Staff led a discussion on various options being considered to address issues they continue to encounter with tank, line, and cathodic protection testers. Currently, PSTD has limited enforcement capabilities since testers are not licensed, and staff will be proposing a rule to license testers. Every other state in EPA Region 6, and many other states across the nation, require testers to be licensed.
- Staff addressed an industry suggested topic relating to credit card convenience fees being charged back to customers at the dispenser. State law prohibits a seller imposing a surcharge on a customer who uses a credit card or debit card rather than by paying by cash, check, or other form of payment. We are aware of a 2019 Attorney General's opinion that effectively called this ban on credit card surcharges unconstitutional on First Amendment grounds. However, when an act of the legislature is deemed unconstitutional through an AG opinion, the opinion is considered advisory only and not binding in terms of invalidating the law. If the legislature takes action to change the law, PSTD could make changes at that point. PSTD also has rules in place that the price per gallon on a facility marquee must match the price per gallon at the pump which is what PSTD inspectors will be looking for when inspecting facilities.
- The law governing administrative rules recently changed and rule changes adopted by the Commission must be submitted to the legislature by March 1, 2024, and by February 1 thereafter.